



"Gejaa.Gobena@usdoj.gov"
<Gejaa.Gobena@usdoj.gov>

08/04/2006 10:45 AM

To "jrdaly@JonesDay.com" <jrdaly@JonesDay.com>(Receipt
Notification Requested) (IPM Return Requested)
cc "Justin.Draycott@usdoj.gov"
<Justin.Draycott@usdoj.gov>(Receipt Notification
Requested) (IPM Return Requested),
bcc

Subject U.S. ex rel. Ven-A-Care v. Abbott

Jim,

We were hoping to get Abbott's consent on two scheduling issues:

1. Whether Abbott will agree that any responses to all (RFAs and RFPs) the discovery Abbott propounded when the case was in Miami be due on September 1. Technically, the operative CMO suspends discovery until Abbott files its answer. But, we too would like discovery to get going. I think we should file something jointly with the Court to get a modification to the operative CMO to engage in this discovery (even if we are still sorting out a larger proposed case management order).
2. Whether Abbott would be willing to extend the response date of the Opposition to the Motion to Dismiss from September 1 to September 15. Since the amicus requested by the Court at the hearing yesterday is due that day, it makes sense for us to file both on the same day. Of course, we would agree to any appropriate modifications to the due date of any reply brief you may file.

Thanks.

